

| DIST/OFFICE | DOCKET<br>YR. NUMBER | FILING DATE<br>MO. DAY YEAR | J | N/S | O | R   | R<br>23 | DEMAND<br>\$ OTHER | JUDGE<br>NUMBER | JURY<br>DEM. | DOCKET<br>YR. NUMBER |
|-------------|----------------------|-----------------------------|---|-----|---|-----|---------|--------------------|-----------------|--------------|----------------------|
| 1085/4      | 76 0056              | 02 11 76                    | 4 | 190 | 1 | 1:2 |         | 660                | 8510            | P            | 76 0056-C            |

# PLAINTIFFS

VANCE, ROBERT F., Individually,  
and  
VANCE, ROBERT F., d/b/a  
VANCO CONSTRUCTION COMPANY

# DEFENDANTS

<sup>9-24-76</sup>  
SMITH, JAMES W., Individually,  
DELTA PIPELINE CONSTRUCTION  
COMPANY, INC., and  
G.B. BOOTS SMITH TRUCKLINE  
COMPANY, INC.  
<sup>9-24-76</sup>

# CAUSE

Suit for accounting for partnership joint venture

# ATTORNEYS

Darrell L. Bolton  
James L. Edgar  
EDGAR, MANIPELLA & HINDS  
Suite 423 - Skyline East  
6111 East Skelly Drive  
Tulsa, Oklahoma 74135  
918/664-7020

Joe Francis 583-4326 (on appeal)  
1801 First Natl. Bldg.  
Tulsa 74103

Eagleton, Eagleton & Owens (on appeal)  
James R. Eagleton, George W. Owens  
Ira L. Edwards, Jr.  
1606 First Natl. Bldg.  
Tulsa 74103 587-0021

Craig W. Hoster  
James L. Kincaid (all defts.)  
Craig W. Hoster  
2400 First National Tower  
Tulsa, Oklahoma 74103  
586-5685

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
FORMA  
PAUPERIS

# FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

# STATISTICAL CARDS

CARD DATE MAILED  
JS-5 3-1-76  
JS-6 12-1-78

| DATE | NR. | PROCEEDINGS  |
|------|-----|--|
| 1976 |     |  |
| 2-11 | 1.  | Complaint, filed. v  |
| 2-13 |     | Summons issued.jj  |
| 3-11 | 2.  | Notice of levy by IRS (copy), filed. rm  |
| 3-17 | 3   | Special Appearance and Application for Ext. of time, filed. t o-j  |
| 3-19 | 4   | Ordered that Deft's are given until April 19, 1976 to plead or answer herein(HDC-J)t cps mld on the 22nd.  |
| 4-5  | 5.  | Pltf's demand for JURY TRIAL, filed. ph  |
| 4-6  |     | U.S. Marshal's service returned and filed. Executed by serving summons and complaint on James W. Smith and G.B. Boots Smith Trucking Co., Inc., 3-17-76 at Laurel, Miss; and, Delta Pipeline Const. Co., Inc., 3-25-76, at Laurel, Miss. (USM \$16.80)jj                         |
| 4-19 | 6.  | Defts' mo/dismiss complaint, filed. ph   |
| 4-19 | 7.  | Defts' opening brief in support of defts' mo/dismiss complaint, filed. ph  |
| 4-20 | MO: | It is ordered by the Court that the Pltf. file a responsive brief within 10 days to the defts. motion to dismiss complaint.(HDC-J)ph cps mld   |
| 4-30 | 8.  | Pltf's mo/ext. of time to ans. deft's mo/dismiss complaint, filed. ph  |
| 4-30 | 9.  | Order, filed, granting pltf. until 5-10-76 to ans. mo/dismiss.(HDC-J)ph cps mld  |
| 5-10 | 10. | Pltf's mo/leave to file amended complaint, filed. ph   |
| 5-10 | 11. | Pltf's brief in support of pltf's mo/amend pltf's complaint, filed. ph   |
| 5-10 | MO: | It is ordered by the Court that the deft. file a resp. brief within 10 days to the Pltf's mo/leave to file amended complaint.(HDC-J)ph cps mld   |
| 5-10 | 12. | Pltf's brief in resp. to defts' mo/dismiss pltf's complaint and to quash service, filed. ph  |
| 5-19 | 13. | Def. response to pltf. mo/leave to file amended complaint, filed. rm   |
| 5-24 | 14. | Order, filed granting pltf's motion for leave to file amended complaint,(HDC-J)ph cps mld  |
| 6-3  | 15. | Pltf's amended complaint, filed. ph  |
| 6-23 | 16. | Motion of defts. James W. Smith and Delta Pipeline Const. Co., Inc. to dismiss amended complaint, filed. ph  |
| 6-23 | 17. | Opening brief of defts. James W. Smith and Delta Pipeline Const. Co. in support of mo. of same to dismiss amended complaint, filed. ph   |
| 6-23 | 18. | Motion of deft. G. B. Boots Smith Truckline Co. to dismiss amended complaint, filed. ph  |
| 6-23 | 19. | Opening brief of deft. G. B. Boots Smith Truckline Co. in support of mo of same to dismiss amended complaint, filed. ph  |
| 6-23 | MO: | It is ordered by the Court that the Pltf. file a resp. brief within 10 days to the Motion of defts. James W. Smith and Delta Pipeline Const. Co. to dismiss amended complaint and Motion of deft. G. B. Boots Smith Truckline Co. to dismiss amended complaint.(HDC-J)ph ltr mld |
| 7-2  | 20. | Pltf's motion for ext. of time to resp. to all defts. motions to dismiss amended complaint, filed. ph  |
| 7-2  | 21. | Order, filed, that pltf. is granted until 7-12-76 to file resp. to defts' motions to dismiss pltf's amended complaint. (HDC-J)ph cps mld   |
| 7-13 | 22. | Pltf.'s response to Deft., G.B. Boots Smith Truckline Co., Inc.'s, mot. to dismiss Pltf.'s Amended Compl., filed. v  |
| 7-13 | 23. | Pltf's resp. to defts. James W. Smith and Delta Pipeline Const.'s Motion to dismiss pltf's amended complaint, filed. ph  |

## CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF              |     | DEFENDANT   | DOCKET NO. <u>76-C-56-C</u>     |
|------------------------|-----|---|---------------------------------|
| Robert F. Vance, et al |     | James W. Smith, et al   | PAGE <u>3</u> OF <u>2</u> PAGES |
| DATE                   | NR. | PROCEEDINGS   |                                 |
| 1976                   |     |   |                                 |
| 7-26                   | 24. | Reply brief of deft. G. B. Boots Smith Truckline Co, in support of mo. of deft. G. B. Boots Smith Truckline Co. to dismiss amended complaint, filed. ph   |                                 |
| 7-26                   | 25. | Reply brief of defts. James W. Smith and Delta Pipeline Const. Co. in support of mo. of defts. James W. Smith and Delta Pipeline Const. Co. to dismiss amended complaint, filed. ph   |                                 |
| 8-10                   | 26. | Counter Affidavit of pltf., Robert F. Vance, in resp. to mo/dismiss, filed. ph  |                                 |
| 9-24                   | 27. | Order sustaining motions of defts. G. B. Boots Smith Truckline Co., Inc. & James W. Smith, individually, to dismiss & overruling motion of deft. Delta Pipeline Construction Co. Inc. to dismiss, filed and entered, & granting deft. Delta Pipeline 10 days to file ans. to amended complaint. (HDC-J)hm (copies mailed) |                                 |
| 10-4                   | 28. | Appl. of def. Delta for ext of time to ans., filed. rm  |                                 |
| 10-5                   | 29. | Order, filed, granting def. Delta an ext. of 15 days to ans. complt., (HDC-J)rm-copies mailed   |                                 |
| 10-19                  | 30. | Appl. for ext. of time of Delta Pipeline to ans. complaint, filed. ph   |                                 |
| 10-21                  | 31. | Order, filed, granting def. Delta Pipeline to 10/24/76 to ans. (HDC-J)rm-copies mld   |                                 |
| 10-26                  | 32. | Ans. of deft. Delta Pipeline Const., filed. ph  |                                 |
| 11-3                   | MO: | Case set for PT hearing on 2-1-77 at 10:00 a.m. (HDC-J)ph notices mld   |                                 |
| 11-12                  | 33. | Pltf's motion for production of documents, filed. ph  |                                 |
| 12-2                   | 34. | Deft's first set of interrogs. to pltf., filed. ph  |                                 |
| 12-10                  | 35. | Deft. Delta Pipeline Const. Co's appl. for ext. of time to resp. or obj. to motion for production of documents, filed. ph   |                                 |
| 12-13                  | 36. | Order, filed, granting deft. Delta Pipeline until 12-30-76 to resp. or obj. to motion for production of documents. (HDC-J)ph cps mld  |                                 |
| 12-23                  | 37. | Application for Extension of Time of Pltf. to ans. Defts. Interrogatories & to file Reply to Defts. Answer, filed. (O to J) nb  |                                 |
| 12-23                  | 38. | Order, filed, that pltf. is granted until 1-26-77 to ans. or obj. to deft's filed set of interrogs. and to reply to the ans. filed by deft. (HDC-J)ph cps mld   |                                 |
| 12-30                  | 39. | Appl. of deft. Delta Pipeline for ext of time to resp. to mo/prod. of documents, filed by pltf., filed. ph  |                                 |
| 1977                   |     |   |                                 |
| 1-3                    | 40. | Order, filed, granting deft. Delta Pipeline until 1-6-77 to resp. or obj. to mo/prod. of documents filed by pltf. (HDC-J)ph cps mld   |                                 |
| 1-6                    | 41. | Response of def. Delta to pltf. mo/prod. of documents, or mo/protective order, filed. rm  |                                 |
| 1-6                    | 42. | Opening brief of def. Delta in support of response, etc., filed. rm   |                                 |
| 1-13                   | MO: | Case reset for PT hearing on 3-2-77 at 10:00 a.m. (HDC-J) s cps. mld.   |                                 |
| 1-14                   | 43. | Motion to compel production of documents, filed by pltf. ph   |                                 |
| 1-14                   | 44. | Affidavit of Darrell L. Bolton, filed. ph   |                                 |
| 1-14                   | MO: | It is ordered by the Court that the deft. file a resp. brief within 10 days to the Motion to Compel production of Documents. (HDC-J)ph ltr mld  |                                 |

## CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF       |     | DEFENDANT  | DOCKET NO. <u>76-C-56</u>       |
|-----------------|-----|--|---------------------------------|
| Robert F. Vance |     | James W. Smith, et al  | PAGE <u>4</u> OF <u>2</u> PAGES |
| DATE<br>1977    | NR. | PROCEEDINGS  |                                 |
| 1-19            | MO: | It is ordered by the Court that the pltf. file a resp. brief within 10 days to the deft. Delta Pipeline's motion for protective order, filed 1-6-77. (HDC-J)ph ltr mld   |                                 |
| 1-24            | 45. | Resp. of deft. Delta Pipeline Const. to pltf's mo/compel production of documents, or in the alt., Deft's renewed motion for protective order, filed. ph  |                                 |
| 1-28            | 46. | Pltf's appl. for ext. of time to ans. interrogs. of deft. and to file reply to defts. answer, filed. ph (O to J)   |                                 |
| 1-28            | 47. | Order, filed, that pltf. is granted until 2-2-77 to file ans. or obj. to defts. interrogs; and until 2-15-77 to file a reply to deft's ans. (HDC-J)ph cps mld  |                                 |
| 2-1             | 48. | Pltf's response to defts' response to pltf's mo/prod. of documents & mo/protective order, filed. hm  |                                 |
| 2-7             | 49. | Pltf's ans. to deft's first set of interrogs., filed. ph   |                                 |
| 2-9             | MO: | Case set for hearing on pltf's mo/compel prod. of documents and deft's mo/protective order Tuesday, 2-15-77 at 12:00 noon. (HDC-J)hm (notices mailed)  |                                 |
| 2-15            | MO: | Hearing held on pltf's mo/compel prod. of documents & deft's mo/protective order. Statements made. Pltf's motion to produce is agreed to by deft. & deft. to produce requested documents. Motion will become moot upon said production. Deft's motion for protective order to be worked out between parties. (HDC-J)hm |                                 |
| 2-24            | 50. | Def. Delta's mo/change of venue, filed. rm   |                                 |
| 2-24            | 51. | Def. brief in support of mo/change of venue, filed. rm   |                                 |
| 2-25            | MO: | Ordered by the Ct. that pltf. is granted 10 days in which to respond to def. Delta's mo/change of venue. (HDC-J)rm-copies md.  |                                 |
| 2-28            | 52. | Stipulation to continue pretrial conf., filed. rm (o to j)   |                                 |
| 2-28            | 53. | Order, filed, cont. pretrial for at least 60 days, to be reset by Court. (HDC-J)rm-copies mailed   |                                 |
| 3-4             | 54. | Appl. of pltf. for ext. of time to file response to def. mo/change of venue and to file reply to def. answer, filed. rm (O to J)   |                                 |
| 3-7             | 55. | Order, filed, granting pltf. until 3-21-77 to reply to deft's mo/change of venue and reply to deft's ans. (HDC-J)ph cps mld  |                                 |
| 3-28            | 56. | Response of pltf. to def. mo/change of venue, with Leave of Court to file out of time, filed. (HDC-J)rm-copies mailed  |                                 |
| 3-28            | 57. | Affidavit of Robert F. Vance in support of pltf. response to def. mo. for change of venue, filed. rm (copies md. with response & Order)  |                                 |
| 4-1             | 58. | Pltf's reply to deft's answer, filed. ph   |                                 |
| 5-24            | 59. | Order, fld., that deft.'s mot. to transfer is overruled. (HDC-J)v -cps. mld.   |                                 |
| 6-20            | MO: | Case set for PT hearing on 9-7-77 at 9:30 a.m. (HDC-J)hm   |                                 |
| 7-13            | MO: | Case set for J/T 10-11-77 at 9:30 a.m.; trial briefs, req. instr. & req. voir dire due on or before 9-30-77. (HDC-J)hm (notices mailed)  |                                 |
| 8-15            | 60. | Pltf's appl. for continuance of PT conf. and Jury trial, filed. ph (O to J)  |                                 |
| 8-15            | 61. | Order, filed, that case be stricken from pretrial of 9-7-77 and jury trial docket of 10-11-77 to be reset by the Court. (HDC-J)ph cps mld to movant.   |                                 |

## CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF                 |     | DEFENDANT   | DOCKET NO. <u>76-C-56-C</u>     |
|---------------------------|-----|---|---------------------------------|
| Robert F. Vance           |     | James W. Smith, et al   | PAGE <u>5</u> OF <u>3</u> PAGES |
| DATE                      | NR. | PROCEEDINGS   |                                 |
| 9-23                      | MO: | Case set for PT hrg. 1-3-78 at 9:00 a.m.; disc. to be complete by 12-23-77 & PT memo or order to be filed by 12-26-77. (HDC-J)hm  |                                 |
| 10-6                      | MO: | Case set for jury trial 3-13-78 at 9:30 a.m.; trial briefs to be filed by 3-3-78. (HDC-J)hm (notices mailed)  |                                 |
| 12-28                     | 62. | Appl. of pltf. for continuance of pretrial conf. and jury trial, filed. ph (O to J)   |                                 |
| 12-29                     | MO: | Appl. of pltf. for continuance of pretrial hrg of 1-3-78 is denied. (HDC-J)ph parties called.   |                                 |
| 12-30                     | 63. | PT memorandum, filed. hm  |                                 |
| <u>1978</u><br><u>1-3</u> | MO: | PT hrg. held. Statements made. Deft. given 1 week to respond to req. for supplemental info. for audit & pltf. to provide final audit to deft. within 2 weeks (1-24) thereafter. Discovery to be complete by 2-14. Case heretofore set for J/T 3-13-78 & case will remain on trial docket for that date; briefs due 3-3-78. Pltf. to prepare PT order by 2-21-78. Court states no addit. time will be granted on discovery or trial date. Court to set for supplemental PT if requested. (HDC-J)hm   |                                 |
| 1-11                      | --  | Resporter's transcript of proceedings had on 1-3-78 at pretrial hrg, filed. ph  |                                 |
| 1-19                      | 64. | Pltf's mo/continuance, filed. hm  |                                 |
| 1-19                      | 65. | Affidavit of Earl J. Cherry, filed. hm  |                                 |
| 1-19                      | MO: | Case set for hrg. on pltf's mo/continuance 1-25-78 at 10:00 a.m. (HDC-J)hm (notices mailed)   |                                 |
| 1-25                      | MO: | Hrg. held on pltf's mo/continuance. Statements made. Pltf's witness Earl J. Cherry sworn & testifies. Pltf's ex. 1 thru 4 admitted. Court strikes case from Jury trial of 3-13-78. Pltf. directed to file a statement of diligence within 30 days stating what actions are being taken toward completion of audit & an estimate of time necessary in the future. Case to be reset for trial after statement is filed. Deft. given 5 days to respond to statement. Pltf. allowed to withdraw exhibits 1,2,3&4, over no obj. from deft. (HDC-J)hm |                                 |
| 2-28                      | 66. | Letter to Judge HDC from pltf. counsel dated 2-22-78 re diligence, filed. ph  |                                 |
| 3-14                      | MO: | <u>CASE SET FOR JURY TRIAL 11-13-78 at 9:30 a.m.; trial briefs, req. instr. &amp; req. voir dire due 11-1-78. (HDC-J)hm (notice mailed)</u>   |                                 |
| 9-8                       | 67. | Motion of James L. Edgar and Darrel L. Bolton to withdraw as attys. for pltf., filed. rm  |                                 |
| 10-6                      | 68  | Deft's mot/dismiss for failure to prosecute, fld.ra   |                                 |
| 10-6                      | 69  | Brief in support of mot/dismiss, fld.ra   |                                 |
| 10-6                      | MO: | Ordered that pltf. file a resp. brief to deft's mot/dismiss on or before 10-20-78.(HDC-J)ra cps mld   |                                 |
| 10-20                     | 70  | Appl. of Edgar, atty. for pltf., for ext. of time to respond to deft. mo/dismiss, filed. rm   |                                 |
| 10-27                     | 71  | Pltf. renewed appl. for additional time to respond to Defts. mot. to dismiss & request for conference in regard to status of case, fld. ho  |                                 |

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## CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF |      | DEFENDANT   | DOCKET NO. <u>76-C-56-C</u>     |
|-----------|------|---|---------------------------------|
|           |      |   | PAGE <u>6</u> OF <u>3</u> PAGES |
| DATE      | NR.  | PROCEEDINGS   |                                 |
| 10-30-78  | MO:  | Case set for conference 11-1-78 at 12:15 p.m. (HDC-J)hm (parties phoned)  |                                 |
| 10-30     | 72   | Order, fld, that pltf. is granted a 7-day ext. of time (from 10-20-78 to 10-27-78) to resp. to mot/dismiss.(HDC-J)ra cps mld  |                                 |
| 11-1      | MO:  | Hearing held on def't's mo/dismiss for failure to prosecute. Statements made. Def't's motion sustained and def't. counsel to prepare formal order. (HDC-J)hm  |                                 |
| 11-15     | 73   | Order, fld and entered, that action is hereby dismissed for want of prosecution, with costs to def't. Delta Pipeline Co. All pending motions & applications are therefore rendered moot and for that reason overruled.(HDC-J)ra cps mld |                                 |
| 12-14     | 74.  | Pltf's mo/vacate order of dismissal, filed. hm (w/affidavits)   |                                 |
| 12-14     | 75.  | Brief in support of mo/vacate order of dismissal, filed. hm   |                                 |
| 12-14     | 76.  | Pltf's applic. for ext. of time within which to file notice of appeal, filed. hm  |                                 |
| 12-14     | 77.  | Brief in support of applic/ext. of time, filed. hm  |                                 |
| 12-15     | 78   | Order, fld, that pltf is granted 30-day extension from 12-15-78 to file formal notice of appeal from order of dismissal entered 11-15-78.(HDC-J)ra cps mld  |                                 |
| 12-15     | MO:  | Ordered that def't. file a resp. brief on or before 12-29-78 to pltf's mot/vacate order of dismissal.(HDC-J)ra cps mld  |                                 |
| 12-29     | 79   | Def't's applic/enlargement of time to file resp. brief, fld.ra (0)  |                                 |
| 1-2-79    | 80   | Order, fld, that def't. Delta Pipeline is granted 5 days from 12-29-78 (to 1-3-79) to file resp. brief to pltf's mot/vacate order of dismissal.(HDC-J)ra cps to mvt   |                                 |
| 1-9-79    | 81   | Brief (of def't Delta Pipeline) in opposition to mot/vacate order of dismissal, fld.ra  |                                 |
| 1-15      | 82   | Order, filed and entered, that pltf. mo/vacate order of dismissal be overruled.(HDC-J)rm-c/m  |                                 |
| 1-15      | 83   | Notice of appeal by pltf. from order of 11/15/78, filed. rm-c/m   |                                 |
| 1-18      | 84   | Amended Notice of appeal by pltf. from order of 1/15/79, filed.rm-c/m   |                                 |
| 1-18      | 85   | Cost bond on appeal (\$250 cash), filed. rm   |                                 |
| 2-13      | 86   | Addl. designation of record on appeal by def't., filed. rm  |                                 |
| 2-22      | ---  | Reporter's transcript of hrg. of 11/1/78, filed.(T.Bloxom-CR) (pp. 1 - 10)rm  |                                 |
| 2-22      | ---  | Reporter's transcript of hrg. of 1/25/78, hearing , filed.(T.Bloxom-CR) (pp. 1 - 44)rm  |                                 |
| 2-23      | ---  | Letter from 10th Circuit, assigning No. 79-1120. rm   |                                 |
| 2-27      | ---- | Appeal record (4 vols) transmitted to 10th Circuit. rm  |                                 |
| 6-11      | 87   | STIPULATION for suppl. appeal record. rm  |                                 |
| 6-12      | ---  | SUPPL. APPEAL RECORD transmitted to 10th Cir. (Suppl.Vol. I) rm   |                                 |

CIVIL DOCKET CONTINUATION SHEET

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| PLAINTIFF<br>Robert F. Vance | DEFENDANT<br>Delta Pipeline | DOCKET NO. <u>76-C-56-C</u><br>PAGE ____ OF ____ PAGES |
|------------------------------|-----------------------------|--|

| DATE                 | NR. | PROCEEDINGS  |
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| <u>1980</u><br>11-14 | 88. | MANDATE & OPINION of 10th Cir., affirming. rm  |
| 11-17                | --- | APPEAL RECORD (4 vols., plus Suppl. Vol. I) recd. from USCA.rm   |
| <u>1982</u><br>4-21  | 89  | ORDER that Clk of Ct. disburse the sum of \$250.00 to Joe Francis,<br>atty for pltfs.(HDC-J)jc(c/atty) |

## CIVIL DOCKET CONTINUATION SHEET

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